Management Log for Case: 763020-09-0021
Case Title: Van Buskirk
Date: 08/17/2012
User: (b) (6), (b) (7)(C)

Log Date	Log Type	Mgmt Log Text
11/19/2008	INTER AGENCY CONTA(	Contacted Division Counsel (b) (6), (b) (7)(C) reference Federal Judgement signed on 3/24/94, on Federal Felony of 26 USC 6050.
11/20/2008	CASE OPENED	Investigation opened. SA (b) (6), (b) (7)(C) assisted the Rutherford County Sheriffs Office after they served a warrant on a subject where explosives were found. SA (b) (6), (b) (7)(C) seized the items and will be following up to determine if charges are merited.
12/08/2008	INTER AGENCY CONTA(	Contact w/ RAC (b) (6), (b) (7)(C) reference retrieving a copy of the original file from Federal Archives. A copy of the original Federal case has been purchased from Archives.
12/22/2008	MEETING/CONTACT (SE	Met w/ Div. Counsel (b) (6), (b) (7)(C) and ASAC (b) (6), (b) (7)(C) in reference to the seizure of the firearms and ammunition for investigatory purposes, from Ruth. Co. S.O. (b) (6), (b) (7)(C) instructed S/A (b) (6), (b) (7)(C) to seize the firearms for investigation purposes. S/A (b) (6), (b) (7)(C) transported the firearms to the office for entry in N-Force. ASAC (b) (6), (b) suggested the firearms be stored by the contracting office of Asset Forfeiture for safe keeping.
12/22/2008	FIELD SUPPORT - GENE	S/A (b) (6), (b) (7)(C) obtained the firearms from Rutherford Co. S.O. and transported them back to the office for entry into N-Force.
12/23/2008	ADMINISTRATIVE ACTIV	S/A (b) (6), (b) (7)(C) spoke to Div. Counsel (b) (6), (b) (7)(C) he instructed S/A (b) (6), (b) (7)(C) to contact AUSA (b) (6), (b) (7)(C) in reference to this case.
12/23/2008	ADMINISTRATIVE ACTIV	S/A (b) (6), (b) (7)(C) spoke to (b) (6), (b) (7)(C) FTB, in reference to the Cobb .50 cal rifle. (b) (6), (b) (7)(C) advised that the actual receiver of the firearm is the section with the serial number, but that he advises to seize the barrel section with the scope attached as well as the magazine and the plastic case to secure the integrity and the value of the firearm.
12/23/2008	ADMINISTRATIVE ACTIV	S/A (b) (6), (b) (7)(C) spoke to (b) (6), (b) (7)(C) in ATF Asset Forfeiture. (b) (6), (b) (7)(C) advised to seize the receiver as well as the barrel with the scope and the magazine as well as the plastic case. (b) (6), (b) (7)(C) advised to keep any of the items in the case that are directly associated with the functioning of the firearm until the disposition of the case is finalized. (b) (6), (b) (7)(C) advised to return to Van Buskirk the other non related items in the case, such as the can of liquid, the tripod, tripod box, unattached scope, shooting glasses, firearm manual, ear protection and three .50 shells.
01/07/2009	INVESTIGATIVE ACTIVIT	Transcript of conversation between Van Buskirk and a Detective.
01/16/2009	ADMINISTRATIVE ACTIV	mn
02/23/2009	DEFENDANT STATUS (S	Criminal case report submitted and approved charging subject with violation of 18 U.S.C. 922(g)(1), and 842(j).
05/01/2009	AUSA/DA CONTACT	AUSA (b) (6), (b) (7)(requested interview of (b) (6), (b) (7)(C)
05/06/2009	INVESTIGATIVE ACTIVIT	Spoke to Rutherford Co. Clerk of Ct. She faxed copies of 50B notice and dismissal, as well as claim form signed by R V B to retrieve his firearms back from the Ruth. Co. S.O. These forms were forwarded to AUSA (b) (6), (b) (7) and Div. Counsel (b) (6), (b) (7)(C)
05/22/2009	DEFENDANT STATUS (S	Government has declined a criminal case, but has filed a civil forfeiture for the property.
05/27/2009	VW COORDINATOR USE	Email SA for approval to send "Witness" letters to VAN BUSKIRK & (b) (6), (b) (7)(C)
05/27/2009	VW COORDINATOR USE	Witness letters mailed to (b) (6), (b) (& Van Buskirk
08/12/2009	AUSA/DA CONTACT	S/A (b) (6), (b) (7)(C) was contacted by (b) (6), (b) (7)(C) stating (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Robt. Van Buskirk because it was her fault that he had his guns taken from him. S/A (b) (6), (b) (7)(C) contacted AUSA (b) (6), (b) (7)(C) the Asst. US Atty in this case and informed him of what she had stated. (b) (6), (b) (7 stated he would have someone call her back. Asst. US Atty (b) (6), (b) (7)(C) then contacted S/A (b) (6), (b) (7)(C) who reiterated what (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) had stated. S/A (b) (6), (b) (7)(C) had (b) (6), (b) (7)(C) send a written statement describing (b) (6), (b) (7)(C) in detail. S/A (b) (6), (b) (7)(C) then forwarded this paper to (b) (6), (b) (7)(C) stated that he would look into the (b) (6), (b) (7)(C) and contact S/A (b) (6), (b) (7)(C) if he felt (b) (6), (b) (7)(C) warranted a criminal complaint.
08/16/2009	INVESTIGATIVE ACTIVIT	Interviews reference the seizure of firearms conducted.

Management Log for Case: 763020-09-0021
Case Title: Van Buskirk
Date: 08/17/2012
User: (b) (6), (b) (7)(C)

Log Date	Log Type	Mgmt Log Text
08/30/2009	INVESTIGATIVE ACTIVIT	Interview of officer that served the 50B order on Van Buskirk.
12/01/2009	DEFENDANT STATUS (S	In Civil court. Awaiting outcome of procedings.
03/03/2010	DEFENDANT STATUS (S	" "
06/02/2010	DEFENDANT STATUS (S	" "
08/29/2010	RAC/GS REVIEW	GS has been informed that AUSA has notified SA (b) (6), (b) (7)(C) that the Governement is dismissing the Civil action and the firearms are to be returned. Clarification will be made prior to the return of the property.
12/08/2010	ADMINISTRATIVE ACTIV	Left telephone message for (b) (6), (b) (7)(C) the assigned custodian of the Van Buskirk collection of firearms. (b) (6), (b) (7)(C)
12/15/2010	RAC/GS REVIEW	Order to return property received.
12/15/2010	ADMINISTRATIVE ACTIV	Contacted (b) (6), (b) (7)(C) regarding transfer of firearms collection to him on 12/22/10.
12/16/2010	PENDING PROPERTY D	SA (b) (6), (b) (7)(C) requested Release of Property of all firearms and ammunition
12/22/2010	ADMINISTRATIVE ACTIV	AM-Amended item 42 to SE No forfeiture proceedinigs were initiated on property.
04/19/2011	RAC/GS REVIEW	SSA (b) (6), (b) (7)(C)
04/26/2012	PENDING PROPERTY D	Property is pending explosive destruction
05/02/2012	PROPERTY DISPOSED	Items 2, 3 destroyed
05/02/2012	PENDING PROPERTY D	NFocus contacted regarding disposition of item #1
06/04/2012	PENDING PROPERTY D	Waiting destruction approval for item #1
08/17/2012	CASE CLOSED	Property destroyed - SSA (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

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     15:34          TECS II - PERSON SUBJECT ENTRY (1 OF 3)  082212   T2MLP005
TID= 1BYM                                                              T2PLP012
TECS RECORD ID P8706064901K01                        ENTRY 121808 UPDATE 082212
NAME- LAST VANBUSKIRK                                     PHYSICAL IDENTIFIERS
FIRST ROBERT          MID LONG          HISPANIC N RACE W SEX M HAIR BR EYES BL
 NAME FLIP? N       ALIAS _    NICKNAME _    STC _   HT 511 ___ WT 180 200  E/M E
PERSONAL-                                            S/M/T _______________ MORE _
 DOB 03121944    POB- CNTRY US ST SC CITY XX                      CTZN US MORE _
 SSN [redacted] MORE _  AFN _________ MORE _  RES ___ EXC/STE _____ _____ MORE _
 PPN ____________________ TYPE _ CNTRY __ ISSUE ________ EXPIRE ________ MORE _
ADDRESS-  DATE 121808   STREET 5                                  APT _______
 CITY  RUTHERFORD                    STATE NC CNTRY US ZIP ______ TYPE _ MORE _
CONTACT- ALCOHOL TOBACCO & FIREARMS                          PHONE [redacted]
 OWNER [redacted]                          CASE NBR 763020090021        MORE M
PRIMARY  O NOT ON PRIMARY              START ________ STOP ________ QRY NOTIFY O
 STATUS SI PREVIOUS SUSPECT, CLOSED CASE                  CAT __
REMARKS-  DATE 121808      NEW REMARKS ('X' & F7) _   MORE REMARKS ('X' & F8) _
POSSESSION OF EXPLOSIVE MATERIAL
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

(F1/F2=HELP)  (F8=NEXT PAGE)  (F9=ACCESS CNTL)  (F11=NEXT SUBJECT/EXIT)
(F4=HIT LIST) (F7=NEW REMARKS) (F10=IMAGERY) (F19=CANCEL ENTRY)
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     10:10          TECS II - PERSON SUBJECT ENTRY (1 OF 3)  121808   T2MLP005
TID= 136K                                                              T2PLP002
TECS RECORD ID P8706064901K01                        ENTRY 121808 UPDATE 121808
NAME- LAST VANBUSKIRK                                     PHYSICAL IDENTIFIERS
FIRST ROBERT          MID LONG          HISPANIC N RACE W SEX M HAIR BR EYES BL
 NAME FLIP? N       ALIAS _   NICKNAME _   STC _   HT 511 ___ WT 180 200  E/M E
PERSONAL-                                            S/M/T _______________ MORE _
 DOB 03121944    POB- CNTRY US ST SC CITY XX                    CTZN US MORE _
 SSN [redacted] MORE _  AFN _________ MORE _  RES ___ EXC/STE _____ _____ MORE _
 PPN ____________________ TYPE _ CNTRY __ ISSUE ________ EXPIRE ________ MORE _
ADDRESS-  DATE 121808   STREET 5                                  APT _______
 CITY  RUTHERFORD                    STATE NC CNTRY US ZIP ______ TYPE _ MORE _
CONTACT- ALCOHOL TOBACCO & FIREARMS                        PHONE [redacted]
 OWNER [redacted]                          CASE NBR 763020090021        MORE M
PRIMARY  0 NOT ON PRIMARY              START ________ STOP ________ QRY NOTIFY 0
 STATUS SC SUBJECT OF CURRENT INVESTIGATION          CAT __
REMARKS-  DATE 121808      NEW REMARKS ('X' & F7) _   MORE REMARKS ('X' & F8) _
POSSESSION OF EXPLOSIVE MATERIAL
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

(F1/F2=HELP)  (F8=NEXT PAGE)  (F9=ACCESS CNTL)  (F11=NEXT SUBJECT/EXIT)
(F4=HIT LIST) (F7=NEW REMARKS) (F10=IMAGERY) (F19=CANCEL ENTRY)
4-©            1    Sess-1    10.120.196.81          L8310339          4/13
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Name: [redacted] Date: 12/18/08 Time: 10:10:38

10:08 TECS II - MORE CASE NUMBER INFORMATION 121808 T2MLY101
TID= 136K T2PLY103
TECS RECORD ID P8706064901K01

CASE NUMBER 762020090021

MORE _

(F1/F2=HELP) (F7=PREV PAGE) (F8=NEXT PAGE) (F11=NEXT SUBJECT)
(F19=CANCEL ENTRY)

Name: [redacted] - Date: 12/18/08 Time: 10:08:51

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     10:00          TECS II - PERSON SUBJECT ENTRY (1 OF 3)  121808   T2MLP005
TID= 136K                                                              T2PLP002
TECS RECORD ID P8706064900K01                        ENTRY 030679 UPDATE 121808
NAME- LAST VANBUSKIRK                                     PHYSICAL IDENTIFIERS
FIRST ROBERT        MID LONG          HISPANIC N RACE W SEX M HAIR BR EYES BL
 NAME FLIP? N       ALIAS _   NICKNAME _   STC _   HT 511 ___ WT 180 ___  E/M E
PERSONAL-                                          S/M/T _____________ MORE _
 DOB 03121944    POB- CNTRY US ST SC CITY XX                  CTZN US MORE _
 SSN [redacted] MORE _  AFN _____ MORE _  RES ___ EXC/STE _____ _____ MORE _
 PPN _____ TYPE _ CNTRY __ ISSUE _____ EXPIRE _____ MORE _
ADDRESS-  DATE 121808   STREET 5290 SW 99 TERRACE                APT _____
 CITY  MIAMI                          STATE FL CNTRY US ZIP 33156  TYPE _ MORE M
CONTACT- ALCOHOL TOBACCO & FIREARMS                       PHONE [redacted]
 OWNER [redacted]                          CASE NBR 1324085452 5Z01 _____ MORE _
PRIMARY  O NOT ON PRIMARY              START _____ STOP _____ QRY NOTIFY O
 STATUS SO SUSPECT, OTHER                          CAT __
REMARKS-  DATE 030679      NEW REMARKS ('X' & F7) _   MORE REMARKS ('X' & F8) M
SUSPECTED OF FIREARMS AND NARCOTICS VIOLATIONS; (IN RELATED CASE, CHARGED
W/FIREARMS CONSPIRACY, FOUND NOT GUILTY, OTHER CHGS DISMISSED 7/23/81)
,CL,6-7-84;NO POTENTIAL AT THIS TIME (CASE AGENT/BATES/FTS 820-6136)
<ENTER> TO USE RECORD; OR <F14> TO CREATE SUB RECORD

(F1/F2=HELP)  (F8=NEXT PAGE)  (F9=ACCESS CNTL)  (F11=NEXT SUBJECT/EXIT)
(F4=HIT LIST) (F7=NEW REMARKS) (F10=IMAGERY) (F19=CANCEL ENTRY)
4-©          1    Sess-1    10.120.196.81          L8310339          4/13
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Name: [redacted] - Date: 12/18/08 Time: 10:00:53

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     09:59          TECS II - PERSON SUBJECT ENTRY (1 OF 3)  121808   T2MLP005
TID= 136K                                                             T2PLP002
TECS RECORD ID P8903235900CFP                      ENTRY 063088 UPDATE 071498
NAME- LAST VAN BUSKIRK                                PHYSICAL IDENTIFIERS
FIRST ROBERT          MID LONG          HISPANIC _ RACE W SEX M HAIR __ EYES __
 NAME FLIP? N       ALIAS _   NICKNAME _   STC _   HT ___ ___ WT ___ ___  E/M E
PERSONAL-                                          S/M/T _______________ MORE M
 DOB 03121944    POB- CNTRY __ ST __ CITY ___________________ CTZN __ MORE _
 SSN [redacted] MORE _  AFN _________ MORE _  RES ___ EXC/STE _____ _____ MORE _
 PPN ____________________ TYPE _ CNTRY __ ISSUE ________ EXPIRE ________ MORE _
ADDRESS-  DATE 121808   STREET COUNTY LINE ROAD                  APT _______
 CITY  RUTHERFORDTON                 STATE NC CNTRY US ZIP ______ TYPE _ MORE _
CONTACT- ICE OI - FORT PIERCE FL                        PHONE [redacted]
 OWNER [redacted]                        CASE NBR FP13CR7WP041          MORE M
PRIMARY  0 NOT ON PRIMARY              START ________ STOP ________ QRY NOTIFY 1
 STATUS SO SUSPECT, OTHER                            CAT __
REMARKS-  DATE 063088                                  MORE REMARKS ('X' & F8) _
ASSOCIATE OF [redacted]
_____________________________________________________________________________
_____________________________________________________________________________
_____________________________________________________________________________

(F1/F2=HELP)  (F8=NEXT PAGE)  (F9=ACCESS CNTL)  (F11=NEXT SUBJECT/EXIT)

4-©          1    Sess-1    10.120.196.81          L8310339          4/13
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Page: 1 Document Name: Unt ed

10:00 TECS II - SUBJECT QUERY RESULTS (HITLIST) 121808 T2MLE201

TID= 136K T2PLE208

6 RECORDS WERE RETRIEVED

SEL	SUBJECT DESCRIPTION				TECS RECORD ID
X	VAN BUSKIRK	ROBERT	L W M 031244	NC US	P8706064900CCR
_	VAN BUSKIRK	ROBERT	L W M 031244	NC US	P8903235900CFP
X	VAN BUSKIRK	ROBERT	L W M 031244	NC US	P9108335400K01

(b) (6), (b) (7)(C)

_ NO MATCH, ENTER NEW SUBJECT

TYPE -X- TO SELECT A SUBJECT

MORE THAN 1 CHOICE SELECTED, PLEASE RESUBMIT

(F1/F2=HELP) (F4=PREV MENU) (F7=PREV PAGE) (F8=NEXT PAGE) (F11=NEXT SUBJECT)

(F16=PRINT)

4-© 1 Sess-1 10.120.196.81 L8310339 5/3

Name: (b) (6), (b) (7)(C) - Date: 12/18/08 Time: 10:00:31

DEPARTMENT JUSTICE
BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES

PERSONAL HISTORY/TECS INPUT

1. ☑ NEW ENTRY ☐ MODIFICATION

2. CASE NUMBER	3. TECS RECORD ID. NUMBER	4. ARMED AND DANGEROUS
763020-09-0021		☐ Yes ☑ No

5. NAME *(Last, First, Middle)*	6. RACE	7. SEX	8. HAIR	9. EYES
VAN BUSKIRK, Robert Long	WHITE	M		

10. ALIASES	11. NICKNAMES	12. STC	13. HEIGHT	14. WEIGHT

15. SCARS, MARKS AND TATTOOS

16. DATE OF BIRTH	17. PLACE OF BIRTH *(City, State, Country)*	18. CITIZENSHIP	19. SOCIAL SECURITY NUMBER
03/12/1944	US	US	(b) (6), (b) (7)(C)

20. ALIEN FILE NUMBER	21. RESIDENT STATUS CODE	22. PASSPORT NUMBER	23. TYPE

24. COUNTRY OF ISSUE	25. DATE ISSUED	26. EXPIRATION DATE

27. SUBJECT'S ADDRESS *(Street, City, State, Country, ZIP Code)*
433 Treasure WY, Rutherfordton NC US 28092-

28A. SPECIAL AGENT'S NAME	
(b) (6), (b) (7)(C)	

29. PRIMARY ACTION CODE	30. CASE STATUS
	Open

31. REMARKS

DRIVER'S LICENSE INFORMATION

32.
A. LICENSE NO. ____ B. STATE ____ C. COUNTRY ____ D. ISSUED ____
E. EXPIRES ____ F. RESTRICTIONS ____ G. STATUS ____ H. TYPE ____

MISCELLANEOUS NUMBERS

33.
A. FBI (b) (7)(E) C. STATE ID ____ E. STATE ID ____ G. OTHER ID ____
B. NIC ____ D. STATE ID ____ F. LOCAL ID ____ H. OTHER ID ____

34. CRIMINAL AFFILIATIONS	35. NCIC FINGERPRINT CODE	36. SPOUSE'S NAME *(Last, First, Middle)*

WARRANT INFORMATION

37.
A. OFFENSE TYPE ____ B. OFFENSE DATE ____ C. WARRANT HELD BY ____
D. WARRANT TYPE ____ E. DATE OF WARRANT ____ F. WARRANT NUMBER ____
G. CITY ____ H. STATE ____

38. ATF PROFILE CODES

39. EMPLOYMENT INFORMATION

A. OCCUPATION	B. POSITION	C. STATUS	D. EMPLOYER

E. EMPLOYER'S ADDRESS *(Street, City, State, ZIP Code)*	F. TELEPHONE NUMBER
, Apt	

40. ASSOCIATES

NAME	DATE OF BIRTH	TECS IDENTIFICATION NUMBER	ADDRESS
			Rte Apt

41. VEHICLES INFORMATION

A. LICENSE PLATE NUMBER	B. YEAR	C. STATE	D. VIN	E. DESCRIPTION

42. ADDITIONAL INFORMATION

43A. SIGNATURE *(Special Agent)*	43B. OFFICE TELEPHONE NUMBER	43C. DATE
(b) (6), (b) (7)(C) Special Agent Charlotte II Field Office	(b) (6), (b) (7)(C)	11/19/2008

Title of Investigation:	Investigation Number:	Report Number:
Van Buskirk	763020-09-0021	12

SUMMARY OF EVENT: Interview of Rutherford County Sheriff Deputy (b) (6), (b) (7)(C)

NARRATIVE:

1. On 8/17/09, ATF S/A (b) (6), (b) (7)(C) interviewed Rutherford County Sheriff Deputy (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Deputy (b) (6), (b) (7)(C) had been tasked with serving the 50B Domestic Order to seize firearms from Robert Van Buskirk on 11/13/08. Deputy (b) (6), (b) (7)(C) went to Van Buskirk's residence with (b) (6), (b) (7)(C) Co. Deputy (b) (6), (b) (7)(C) stated that Van Buskirk stated to him that he may have a firearm in the plane hangar. Deputy (b) (6), (b) (7)(C) and Deputy (b) (6), (b) (7)(C) went into the hangar with Van Buskirk and Van Buskirk opened a combination safe that was in the corner of the hangar. (b) (6), (b) (7)(C) does not recall the exact amount of firearms that were in the safe, but he said there were quite a few. (b) (6), (b) (7)(C) recalled that he asked Van Buskirk if there were anymore firearms in the residence and Van Buskirk clearly stated that there were not any firearms in the residence. According to Deputy (b) (6), (b) (7)(C) a few minutes later (b) (6), (b) (7)(C) showed up at the residence and was talking to Captain (b) (6), (b) (7)(C) then Deputy (b) (6), (b) (7)(C) and Deputy (b) (6), (b) (7)(C) were informed by Deputy (b) (6), (b) (7)(C) that there were more firearms in the house. Deputy (b) (6), (b) (7)(C) recalled seeing a .50 caliber rifle that Van Buskirk told him belonged to (b) (6), (b) (7)(C) Van Buskirk stated that they were getting the gun ready to use on a hunting trip out west, which they were going on soon. Deputy (b) (6), (b) (7)(C) did not recall any other statements made by Van Buskirk in reference to the firearms.

Prepared by: (b) (6), (b) (7)(C)	Title: Special Agent, Charlotte II Field Office	(b) (6), (b) (7)(C)	Date: 8/25/09
Authorized by: (b) (6), (b) (7)(C)	Title: Group Supervisor, Charlotte II Field Office		Date: 8/30/09
Second level reviewer (optional): Zebedee T. Graham	Title: Special Agent in Charge, Charlotte Field Division		Date: 8/30/09

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

Title of Investigation:	Investigation Number:	Report Number:
Van Buskirk	763020-09-0021	11

SUMMARY OF EVENT: Interview of Rutherford County Sheriff Captain (b) (6), (b) (7)(C) and Chief Deputy (b) (6), (b) (7)(C)

NARRATIVE:

1. On 6/8/09, ATF S/A (b) (6), (b) (7)(C) interviewed Rutherford County Sheriff Captain (b) (6), (b) (7)(C) and Chief Deputy (b)(6) (b)(7)(C) in reference to the seizure of firearms at the residence of Robert Van Buskirk on 11/13/08. The following is a synopsis of the interview.

2. Chief Deputy (b)(6) (b)(7)(C) stated that when he arrived on location at Van Buskirk's residence, he went straight over to the hangar building where the explosives had been found. (b)(6) (b)(7)(C) made the decision to contact SBI Bomb Technician (b) (6), (b) (7)(C) in regards to the explosives. (b)(6) (b)(7)(C) stated that he just stood in the background of the incident and observed the activities in the area of the hangar. (b)(6) (b)(7)(C) stated that Deputy (b) (6), (b) (7)(C) Captain (b)(6) (b)(7)(C) and Deputy (b) (6), (b) (7)(C) were some of the first ones on the scene and that he had not seen Van Buskirk open the safe in the hangar.

3. Captain (b)(6) (b)(7)(C) stated that he met Van Buskirk and (b) (6), (b) (7)(C) by the hangar when he first arrived. Captain (b)(6) (b)(7)(C) explained to Van Buskirk that they were at his house to enforce a 50B Domestic Order issued by the Magistrate to retrieve any firearms from his property. Van Buskirk told (b)(6) (b)(7)(C) that he had a few guns in the hangar. When (b)(6) (b)(7)(C) entered the hangar he observed some guns standing in the corner of the hangar over next to a large safe. (b)(6) (b)(7)(C) stated Van Buskirk opened the safe for Deputies (b) (6), (b) (7)(C) (b)(6) (b)(7)(C) stated that a few minutes into the search of the hangar, Van Buskirk (b) (6), (b) (7)(C) showed up at the residence and mentioned some firearms in the residence. At this point Van Buskirk acknowledged that he had a .50 rifle in a room next to the his office in the main house. Van Buskirk stated that the .50 rifle belonged to (b) (6), (b) (7)(C) and that he was working on the rifle for him. The rifle was broken down into several pieces, laid out next to a large case. (b) (6), (b) (7)(C) made a comment that Van Buskirk kept the rifle in the case because it fit perfectly onto his (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) plane. Van Buskirk then took Deputy (b) (6), (b) (7)(C) and Captain (b)(6) (b)(7)(C) to a room off the kitchen and he opened a combination safe that contained several firearms. Captain (b)(6) (b)(7)(C) stated that Van Buskirk was very friendly that evening and offered a story on just about every firearm he had. Captain (b)(6) (b)(7)(C) did not recall any specifics on any of the stories regarding the firearms that Van Buskirk

Prepared by:	Title:	Signature:	Date:
(b) (6), (b) (7)(C)	Special Agent, Charlotte II Field Office	(b) (6), (b) (7)(C)	8/11/09
Authorized by: (b) (6), (b) (7)(C)	Title: Group Supervisor, Charlotte II Field Office		Date: 8/11/09
Second level reviewer (optional): Zebedee T. Graham	Title: Special Agent in Charge, Charlotte Field Division		Date: 8/11/09

ATF EF 3120.2 (10-2004)
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mentioned. Captain [redacted] (b)(6) (b)(7)(C) did make the decision to not take into custody two "old guns" that Van Buskirk said had come from Belgium and were worth 1000s of dollars. Van Buskirk asked Captain [redacted] (b)(6) (b)(7)(C) how long it was going to be before he got the guns back because they were gonna go deer hunting and needed the guns.

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

Title of Investigation:	Investigation Number:	Report Number:
Van Buskirk	763020-09-0021	10

SUMMARY OF EVENT: Interview of Lieutenant (b) (6), (b) (7)(C) Rutherford County Sheriff Office.

NARRATIVE:

1. On 6/8/09, ATF S/A (b) (6), (b) (7)(C) interviewed Lieutenant (Lt.) (b) (6), (b) (7)(C) Rutherford County Sheriff Office, (c) (b) (6), (b) (7)(C) The interview was conducted at the Rutherford County Sheriff Office in Rutherfordton, NC. The following is a synopsis of the interview.

2. Lt. (b) (6), (b) (7)(C) stated that he had been contacted early in the afternoon of 11/12/08 by Rutherford County Sheriff (b) (6), (b) (7)(C) Sheriff (b) (6), (b) (7)(C) requested that Lt. (b) (6), (b) (7)(C) telephone Robert Van Buskirk about a threat made against Van Buskirk by (b) (6), (b) (7)(C) Lt. (b) (6), (b) (7)(C) told Detective (b) (6), (b) (7)(C) and Detective (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) to take a report from Van Buskirk regarding the threat. Before Detectives (b) (6), (b) (7)(C) could go speak to Van Buskirk, Sheriff (b) (6), (b) (7)(C) informed Lt. (b) (6), (b) (7)(C) that they now had a domestic order to serve on Robert Van Buskirk. Because of Van Buskirk's reputation within the sheriff department for being a suspect in the drug trade, his connections with suspected drug dealers like (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) possibly being a Federal informant and his reputation in the Army Special Forces, Lt. (b) (6), (b) (7)(C) decided to send a larger than normal amount of deputies and detectives to Van Buskirk's residence. Lt. (b) (6), (b) (7)(C) went to Van Buskirk's to help explain the service of the order to Van Buskirk and speak to him about the threat made by (b) (6), (b) (7)(C) Lt. (b) (6), (b) (7)(C) stated that Van Buskirk did not make any statements regarding the firearms to him and Lt. (b) (6), (b) (7)(C) did not actually see any of the firearms until they were transported to the sheriff's office.

Prepared by:	Title:	Signature:	Date:
(b) (6), (b) (7)(C)	Special Agent, Charlotte II Field Office	(b) (6), (b) (7)(C)	6/12/09
Authorized by: (b) (6), (b) (7)(C)	Title: Group Supervisor, Charlotte II Field Office		Date: 7/6/09
Second level reviewer (optional): Zebedee T. Graham	Title: Special Agent in Charge, Charlotte Field Division		Date: 7/6/09

ATF EF 3120.2 (10-2004)
For Official Use Only

Title of Investigation:	Investigation Number:	Report Number:
Van Buskirk	763020-09-0021	9

SUMMARY OF EVENT: Interview of Sgt. (b) (6), (b) (7)(C) Rutherford County Sheriff Office.

NARRATIVE:

1. On 6/8/09, ATF S/A (b) (6), (b) (7)(C) interviewed Sergeant (Sgt.) (b) (6), (b) (7)(C) of the Rutherford County Sheriff Office, (c) (b) (6), (b) (7)(C) 120 Davis Street, Spindale, NC. The following is a synopsis of the interview.

2. Sgt. (b) (6), (b) (7)(C) was present and documented the retrieval of the firearms from Robert Van Buskirk's residence on 11/12/08. Sgt. (b) (6), (b) (7)(C) stated he recalled that the firearms were gathered from three different locations on Van Buskirk's property. The first 39 items listed on the Rutherford County property report were retrieved from a safe in the hangar building and the floor surrounding the safe. The safe was described as a large, standing gun safe, on the back wall of the hangar. Ammunition boxes on the floor were used to transfer the ammunition recovered from within the safe. The .50 Cobb rifle was in a small room off the office. The office area was attached to the hangar building and was separate from the residence. The remaining firearms and ammunition was in a large safe in a room off of the kitchen in the residence.

3. Sgt. (b) (6), (b) (7)(C) stated that he was not present when the safes were opened.

4. Sgt. (b) (6), (b) (7)(C) recalled that Van Buskirk had denied having any firearms in the house, until (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) arrived and asked one of the deputies if they had taken the guns from in the house. At this point the deputies were alerted to other firearms in the residence and Van Buskirk acted as if he suddenly remembered about the other firearms. According to Sgt. (b) (6), (b) (7)(C) Van Buskirk had been talking to Chief Deputy (b)(6) (b)(7)(C) or Captain (b)(6) (b)(7)(C) when Van Buskirk was confronted about the other firearms.

5. Sgt. (b) (6), (b) (7)(C) also stated that he believes that two older model double barrel shotguns were left at the residence because Van Buskirk had told one of the supervisors on scene that the shotguns were worth approximately $100,000 each and they had been a gift from foreign royalty. Sgt. (b) (6), (b) (7)(C) stated that when he left, he did not feel that they had gathered all the firearms on the property because they had gathered a great deal of ammunition of different caliber from the firearms that had been retrieved.

Prepared by:	Title:	Signature:	Date:
(b) (6), (b) (7)(C)	Special Agent, Charlotte II Field Office	(b) (6), (b) (7)(C)	6/12/0
Authorized by: (b) (6), (b) (7)(C)	Title: Group Supervisor, Charlotte II Field Office		Date: 7/6/
Second level reviewer (optional): Zebedee T. Graham	Title: Special Agent in Charge, Charlotte Field Division		Date: 7/6/

EF 3120.2 (10-2004)
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6. Sgt. [redacted] was documenting the retrieval of firearms and ammunition from the safe in the hangar when a military type booby trap device was discovered in the safe. At this time, the search was suspended and NC SBI bomb technician [redacted] was called to the scene to recover the device. It was determined later by ATF S/A [redacted] that the device in a military container and was not illegal to possess. Sgt. [redacted] stated that the blasting cap and safety fuse came from a red in color, locked toolbox in the hangar. Van Buskirk did not have a key to toolbox, but he did volunteer to cut the lock off with bolt cutters. A deputy on scene, whom Sgt. [redacted] did not recall, cut the lock for Van Buskirk when he encountered difficulty cutting the lock. A smoke grenade was recovered from the safe in the residence.

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

Title of Investigation:	Investigation Number:	Report Number:
Van Buskirk	763020-09-0021	8

SUMMARY OF EVENT: Interview of (b) (6), (b) (7)(C)

NARRATIVE:

(b)(6) (b)(7)(C)

Prepared by: (b) (6), (b) (7)(C)	Title: Special Agent, Charlotte II Field Office	Signature: (b) (6), (b) (7)(C)	Date: 5/27/1
Authorized by: (b) (6), (b) (7)(C)	Title: Group Supervisor, Charlotte II Field Office		Date: 7/6/0
Second level reviewer (optional): Zebedee T. Graham	Title: Special Agent in Charge, Charlotte Field Division		Date: 7/6/0

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U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

Title of Investigation:	Investigation Number:	Report Number:
Van Buskirk	763020-09-0021	7

SUMMARY OF EVENT: Interview of (b) (6), (b) (7)(C)

NARRATIVE:

(b)(6) (b)(7)(C)

[redacted]

Prepared by: (b) (6), (b) (7)(C)	Title: Special Agent, Charlotte II Field Office	Signature: (b) (6), (b) (7)(C) [redacted]	Date: 5/27/0
Authorized by: (b) (6), (b) (7)(C)	Title: Group Supervisor, Charlotte II Field Office		Date: 7/6/09
Second level reviewer (optional): Zebedee T. Graham	Title: Special Agent in Charge, Charlotte Field Division		Date: 7/6/09

ATF EF 3120.2 (10-2004)
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(b)(6) (b)(7)(C)

[redacted]

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

Title of Investigation:	Investigation Number:	Report Number:
Van Buskirk	763020-09-0021	6

SUMMARY OF EVENT: Interview of (b) (6), (b) (7)(C)

NARRATIVE:

(b)(6) (b)(7)(C)

[redacted]

Prepared by: (b) (6), (b) (7)(C)	Title: Special Agent, Charlotte II Field Office	Signature: (b) (6), (b) (7)(C)	Date: 5/11/09
Authorized by: (b) (6), (b) (7)(C)	Title: Group Supervisor, Charlotte II Field Office		Date: 5/6/09
Second level reviewer (optional): Zebedee T. Graham	Title: Special Agent in Charge, Charlotte Field Division		Date: 5/6/09

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

Title of Investigation:	Investigation Number:	Report Number:
Van Buskirk	763020-09-0021	5

SUMMARY OF EVENT: Interview of (b) (6), (b) (7)(C) [redacted]

NARRATIVE:

(b)(6) (b)(7)(C)

[redacted]

Prepared by:	Title:	Signature:	Date:
(b) (6), (b) (7)(C)	Special Agent, Charlotte II Field Office	(b) (6), (b) (7)(C) [redacted]	5/11/09
Authorized by: (b) (6), (b) (7)(C)	Group Supervisor, Charlotte II Field Office		7/6/09
Second level reviewer (optional): Zebedee T. Graham	Title: Special Agent in Charge, Charlotte Field Division		Date: 7/6/0

ATF EF 3120.2 (10-2004)
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(b)(6) (b)(7)(C)

[redacted]

(b)(6) (b)(7)(C)

[redacted]

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Investigation

Title of Investigation:	Investigation Number:	Report Number:
Van Buskirk	763020-09-0021	2

SUMMARY OF EVENT: On 12/19/08, Rutherford County Sheriff Office Sergeant (b) (6), (b) (7)(C) spoke to ATF S/A (b) (6), (b) (7)(C) in reference to a telephone conversation he had with Robert Long Van Buskirk in December of 2008.

NARRATIVE:

1. On 12/19/08, Rutherford County Sheriff Office Sergeant (b) (6), (b) (7)(C) spoke to ATF S/A (b) (6), (b) (7)(C) in reference to a telephone conversation he had with Robert Long Van Buskirk in December of 2008. Attached is the typed synopsis of the conversation.

Prepared by:	Title:	Signature:	Date:
(b) (6), (b) (7)(C)	Special Agent, Charlotte II Field Office	(b) (6), (b) (7)(C)	12/22/0
Authorized by: (b) (6), (b) (7)(C)	Title: Group Supervisor, Charlotte II Field Office		Date: 12/22/
Second level reviewer (optional): Zebedee T. Graham	Title: Special Agent in Charge, Charlotte Field Division		Date: 1/7/

Bureau of Alcohol, Tobacco, Firearms and Explosives
Kansas City Field Division
Assistant Special Agent in Charge
St. Louis Office
1222 Spruce Street, Room 6.205
St. Louis, Missouri 63103
Telephone: (b) (6), (b) (7)(C)
Fax: (b) (6), (b) (7)(C)

Date:

Fax Number: (b) (6), (b) (7)(C)

To: IA(b) (6), (b) (7)(C)

From:(b) (6), (b) (7)(C)

Subject: VAN BUSKIRK, Robert L.

Comments: This was a very large file and the highlights are attached. There was no information regarding the circumstances of the armed robbery case nor was there anything about Operation Tailwind except the request for information. The information regarding SUBJECT's reserve service was confusing. There was nothing in the file regarding exact cause for his disability. That information is probably filed with the VA. If you have any questions contact SI(b) (6), (b) (7)(C) at(b) (6), (b) (7)(C)

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Sensitive _____ Non-Sensitive _____

V=on claim

(b)(6) (b)(7)(C)

PY

(b) (6), (b) (7)(C) is the owner of:

1. Winchester, model 57, 22 caliber rifle, serial number (b) (6), (b) (7)(C)
2. Smith & Wesson, model 19-3, 357 revolver, serial number (b) (6), (b) (7)(C)
3. Colt, model Mark IV, 45 pistol, serial number (b) (6), (b) (7)(C)
4. Ruger, model Mark II, 22 caliber pistol, serial number (b) (6), (b) (7)(C)

(b)(6) (b)(7)(C)

[redacted]

(b) (6), (b) (7)(C) (USANCW)

From: (b) (6), (b) (7)(C) (USANCW)
Sent: Friday, January 22, 2010 4:29 PM
To: (b) (6), (b) (7)(C) (ATF)
Subject: RE: 20100122123714029.pdf - Adobe Acrobat Professional

Looks good.

Give them an exhibit number on the affidavit. Would it start with no. 35? There are 34 guns, right?

From: (b) (6), (b) (7)(C) (ATF)
Sent: Friday, January 22, 2010 12:09 PM
To: (b) (6), (b) (7)(C) (USANCW)
Subject: 20100122123714029.pdf - Adobe Acrobat Professional

How about something like this? I will not know what calibers are in evidence until I pull the ammo on Monday morning. I will have the ability to change this form accordingly.

U.S Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Affidavit

I, Special Agent (b) (6), (b) (7)(C), state that

I have taken the following ammunition from evidence taken from the residence of Robert Van Buskirk on 11/13/08, and each round is identified

Ex 58

Item: 38 bullet

Item: 12 shotgun shell

Item: 32 bullet

Item: 357 bullet

Item: 22 bullet

Item: 9mm bullet

Item: 223 bullet

Item: 45 bullet

Item: 20 shotgun shell

Item: 30-06 bullet

Item: 7 62mm bullet

Item: 50 bullet

I have read the foregoing statement consisting of one pages, each of which I have signed I fully understand the statement and I declare, certify, verify and/or state under penalty of perjury that the foregoing is true and correct I made the corrections shown and placed my initials opposite each I made this statement freely and voluntarily without any threats or rewards, or promises of reward having been made to me in return for it Executed on _____, 20 _____

Signature of Affiant

Subscribed and Sworn to before me this _____

Day of _____, 20 _____

at _____

Signature

Title

Witness

Signature

Title

Page ____ of ____ pages

ATF Form 5000 1
Revised November 2006

itemnum	custodydate	description
000001	11/13/2008	EXPLOSIVES: BLASTING CAP, QTY: 64, MEA: EACH, NON-ELECTRIC, ICI NOBEL, NO. 6
000002	11/13/2008	EXPLOSIVES: BLASTING CAP, QTY: 3, MEA: EACH, ELECTRIC, ORANGE/YELL 5' LEG WIRES
000003	11/13/2008	EXPLOSIVES: DETONATING CORD, QTY: 7, MEA: FEET, 50 GRAIN, ORANGE W/ DOUBLE BLACK STRIPES
000004	12/22/2008	FIREARM: RIFLE, MNF: STEYR, TYPE: RIFLE, MODEL: 30-06, CAL: 30-06, SN: (b) (6), (b) (7)(C)
000005	12/22/2008	FIREARM: RIFLE, MNF: ROSSI, TYPE: RIFLE, MODEL: 62 SAC, CAL: 22, SN: (b) (6), (b) (7)(C)
000006	12/22/2008	FIREARM: HANDGUN, MNF: KELTEC, CNC INDUSTRIES, INC., TYPE: PISTOL, MODEL: 9MM, CAL: 9, SN: (b) (6), (b) (7)(C)
000007	12/22/2008	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER, MODEL: .22, CAL: 22, SN: (b) (6), (b) (7)(C)
000008	12/22/2008	FIREARM: RIFLE, MNF: WINCHESTER, TYPE: RIFLE, MODEL: 57, CAL: 22, SN: (b) (6), (b) (7)(C)
000009	12/22/2008	FIREARM: RIFLE, MNF: RUGER, TYPE: RIFLE, MODEL: MINI 14, CAL: 223, SN: (b) (6), (b) (7)(C)
000010	12/22/2008	FIREARM: RIFLE, MNF: ROSSI, TYPE: RIFLE, MODEL: 62, CAL: 22, SN: (b) (6), (b) (7)(C)
000011	12/22/2008	FIREARM: RIFLE, MNF: BROWNING, TYPE: RIFLE, MODEL: 22, CAL: 22, SN: (b) (6), (b) (7)(C)
000012	12/22/2008	FIREARM: RIFLE, MNF: FEG, TYPE: RIFLE, MODEL: 85M, CAL: 762, SN: (b) (6), (b) (7)(C)
000013	12/22/2008	FIREARM: RIFLE, MNF: REMINGTON ARMS COMPANY, INC., TYPE: RIFLE, MODEL: 597, CAL: 22, SN: (b) (6), (b) (7)(C)
000014	12/22/2008	FIREARM: RIFLE, MNF: REMINGTON ARMS COMPANY, INC., TYPE: RIFLE, MODEL: 550-1, CAL: 22, SN: (b) (6), (b) (7)(C)
000015	12/22/2008	FIREARM: RIFLE, MNF: REMINGTON ARMS COMPANY, INC., TYPE: RIFLE, MODEL: 510, CAL: 22, SN: (b) (6), (b) (7)(C)
000016	12/22/2008	FIREARM: RIFLE, MNF: MARLIN FIREARMS CO., TYPE: RIFLE, MODEL: 782, CAL: 22, SN: (b)(6) (b)(7)(C)
000017	12/22/2008	FIREARM: SHOTGUN, MNF: REMINGTON ARMS COMPANY, INC., TYPE: SHOTGUN, MODEL: 1100, CAL: 12, SN: (b) (6), (b) (7)(C)
000018	12/22/2008	FIREARM: HANDGUN, MNF: REXIO, S.R.L., TYPE: PISTOL, MODEL: 45/410, CAL: 45, SN: (b) (6), (b) (7)(C)
000019	12/22/2008	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER, MODEL: 19-3, CAL: 357, SN: (b) (6), (b) (7)(C)
000020	12/22/2008	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER, MODEL: 686-8, CAL: 357, SN: (b) (6), (b) (7)(C)
000021	12/22/2008	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER, MODEL: 66-1, CAL: 357, SN: (b) (6), (b) (7)(C)
000022	12/22/2008	FIREARM: HANDGUN, MNF: COLT, TYPE: PISTOL, MODEL: MARK IV, CAL: 45, SN: (b) (6), (b) (7)(C)
000023	12/22/2008	FIREARM: HANDGUN, MNF: RUGER, TYPE: PISTOL, MODEL: MARK II, CAL: 22, SN: (b) (6), (b) (7)(C)
000024	12/22/2008	FIREARM: HANDGUN, MNF: RUGER, TYPE: PISTOL, MODEL: MARK II, CAL: 22, SN: (b) (6), (b) (7)(C)
000025	12/22/2008	FIREARM: HANDGUN, MNF: COLT, TYPE: PISTOL, MODEL: CHALLENGER, CAL: 22, SN: (b) (6), (b) (7)(C)
000026	12/22/2008	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER, MODEL: 60, CAL: 38, SN: (b) (6), (b) (7)(C)
000027	12/22/2008	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: PISTOL, MODEL: 1006, CAL: 10, SN: (b) (6), (b) (7)(C)
000028	12/22/2008	FIREARM: HANDGUN, MNF: IVER JOHNSON, TYPE: REVOLVER, MODEL: S SHOT, CAL: 32, SN: NONE
000029	12/22/2008	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER, MODEL: 15-4, CAL: 38, SN: (b) (6), (b) (7)(C)
000030	12/22/2008	FIREARM: HANDGUN, MNF: BERETTA USA CORP, TYPE: PISTOL, MODEL: 92-F, CAL: 9, SN: (b) (6), (b) (7)(C)
000031	12/22/2008	FIREARM: SHOTGUN, MNF: WINCHESTER, TYPE: SHOTGUN, MODEL: 12, CAL: 12, SN: (b) (6), (b) (7)(C)
000032	12/22/2008	FIREARM: SHOTGUN, MNF: BROWNING, TYPE: SHOTGUN, MODEL: BT99, CAL: 12, SN: (b) (6), (b) (7)(C)
000033	12/22/2008	FIREARM: SHOTGUN, MNF: SAVAGE, TYPE: SHOTGUN, MODEL: 67, CAL: 12, SN: (b) (6), (b) (7)(C)
000034	12/22/2008	FIREARM: SHOTGUN, MNF: REMINGTON ARMS COMPANY, INC., TYPE: SHOTGUN, MODEL: 1100, CAL: 12, SN: (b) (6), (b) (7)(C)
000035	12/22/2008	FIREARM: SHOTGUN, MNF: ITHACA GUN CO., TYPE: SHOTGUN, MODEL: 37, CAL: 20, SN: (b) (6), (b) (7)(C)
000036	12/22/2008	FIREARM: RIFLE, MNF: COBB MANUFACTURING INC., TYPE: RIFLE, MODEL: BA 50T, CAL: 50, SN: (b) (6), (b) (7)(C)

000037	12/22/2008	FIREARM: SHOTGUN, MNF: REMINGTON ARMS COMPANY, INC., TYPE: SHOTGUN, MODEL: 1100 MAGNUM, CAL: 12, SN: (b) (6), (b) (7)(C)

VERIFICATION

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

(b) (6), (b) (7)(C) first being duly sworn, deposes and says:

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), United States Department of Justice.

I have reviewed the investigative file of my agency (ATF) concerning the events described in this Verified Complaint for Forfeiture in Rem.

I have read the foregoing Verified Complaint for Forfeiture in Rem, and the contents thereof are true according to my best knowledge, information, and belief.

(b) (6), (b) (7)(C)

Sworn to and subscribed before me this the 22d day of May, 2009.

Brody J. Cole
BRODY J. COLE
NOTARY PUBLIC

My Commission Expires: April 22, 2014

U.S. Department of Justice

Bureau of Alcohol, Tobacco, Firearms and Explosives

6701 Carmel Road, Suite 200
Charlotte, North Carolina 28226

COPY

www.atf.gov

April 23, 2009

CC:CT:105526 [redacted]
9740

Honorable Edward Ryan
Acting United States Attorney
Western District of North Carolina
227 W. Trade Street, Suite 1600
Charlotte, North Carolina 28202

Attention: (b) (6), (b) (7)(C)
Assistant United States Attorney

In re: Claims for Seized Property filed by (b) (6), (b) (7)(C) [redacted]
ATF Case Number 763020-09-0021

Dear Mr. Ryan:

This refers to the above-captioned Claims for Seized Property filed with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). This matter stems from the November 13, 2008 seizure of approximately 34 firearms and 6,364 rounds of assorted ammunition from 433 Treasure Way, Rutherfordton, North Carolina, the residence of Robert L. Van Buskirk. Mr. Van Buskirk is a convicted felon subject to the Federal firearms disabilities contained in the Gun Control Act of 1968 (GCA), as amended, 18 U.S.C. Chapter 44. The above-referenced Claims cover 34 of the seized firearms and approximately 5,049 ammunition rounds.[1]

[1] The claims submitted to not include all of the firearms and ammunition seized by ATF. ATF considers firearms and ammunition not included in the six (6) claims to be administratively forfeited.

Honorable Edward Ryan

Background

The GCA makes it unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign

U.S. Department of Justic

Bureau of Alcohol, Tobacco
Firearms and Explosives

6701 Carmel Road, Suite 200
Charlotte, North Carolina 28226

COPY

www.atf.gov

April 23, 2009

CC:CT:105526 [redacted]
9740

Honorable Edward Ryan
Acting United States Attorney
Western District of North Carolina
227 W. Trade Street, Suite 1600
Charlotte, North Carolina 28202

Attention: (b) (6), (b) (7)(C)
Assistant United States Attorney

In re: Claims for Seized Property filed by (b) (6), (b) (7)(C) [redacted]
(b) (6), (b) (7)(C)
ATF Case Number 763020-09-0021

Dear Mr. Ryan:

This refers to the above-captioned Claims for Seized Property filed with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). This matter stems from the November 13, 2008 seizure of approximately 34 firearms and 6,364 rounds of assorted ammunition from 433 Treasure Way, Rutherfordton, North Carolina, the residence of Robert L. Van Buskirk. Mr. Van Buskirk is a convicted felon subject to the Federal firearms disabilities contained in the Gun Control Act of 1968 (GCA), as amended, 18 U.S.C. Chapter 44. The above-referenced Claims cover 34 of the seized firearms and approximately 5,049 ammunition rounds.[1]

[1] The claims submitted to not include all of the firearms and ammunition seized by ATF. ATF considers firearms and ammunition not included in the six (6) claims to be administratively forfeited.

Honorable Edward Ryan

Background

The GCA makes it unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. 18 U.S.C. § 922(g)(1). The GCA further provides that any firearm or ammunition involved in or used in any knowing violation of section 922(g) shall be subject to seizure and forfeiture. 18 U.S.C. § 924(d)(1).

On March 24, 1994, Robert L. Van Buskirk was convicted in the United States District Court for the Western District of North Carolina of tax fraud in violation of Title 26, United States Code, Sections 6050I, 7203, and 7206(2). See enclosed copy of Judgment and Commitment.[2] Although the Judgment and Commitment authorizes Mr. Van Buskirk to possess firearms and destructive devices, ATF has found no authority supporting the district court's ability to exempt a defendant who has been convicted of a felony from the prohibitions contained in the GCA and therefore Mr. Van Buskirk is prohibited from possessing firearms under 18 U.S.C. 922(g).[3]

On November 13, 2008, members of the Rutherford County Sheriff's Office served a domestic violence Restraining Order at the residence of Robert L. Van Buskirk. The State Court Order required that the law enforcement officers seize any firearms in Mr. Van Buskirk's possession for safekeeping. While at the residence, law enforcement officers observed numerous firearms, thousands of assorted rounds of ammunition, and explosives such as smoke grenades, detonators, and detonator cord. The firearms and ammunition at issue in this matter were seized at that time by the Rutherford County Sheriff's Office, which in turn contacted ATF.

On December 22, 2008, ATF Special Agent (b) (6), (b) (7)(C) took custody of 34 firearms from Rutherford County. Special Agent (b) (6), (b) (7)(C) received custody of approximately 6,364 assorted rounds of ammunition on December 29, 2008.

Following the seizure of the firearms, ammunition and explosive devices, ATF sent a notice letter, via certified mail, to Robert Van Buskirk at 433 Treasure Way, Rutherfordton, NC on January 6, 2009. Copy Enclosed.

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[2] While a conviction pursuant to 26 U.S.C. 7203 is generally defined as a one-year misdemeanor, Robert L. Van Buskirk was convicted of a five-year felony since his conviction involved a violation of 26 U.S.C. § 6050I. *See*, 26 U.S.C. § 7203. Significantly, a conviction for violation of 26 U.S.C. §7206(2) is also a felony punishable by a term of imprisonment exceeding one year.

[3] It is noteworthy that Robert L. Van Buskirk, a prohibited person, has signed the claim forms as the legal guardian of (b) (6), (b) (7)(C) [redacted]

NATIONAL ARCHIVES ORDER FOR COPIES OF CRIMINAL CASES

1. COURT LOCATION (city & state): Asheville, North Carolina

2. CASE NAME(s): US vs Robert L VanBuskirk

3. CASE NUMBER: SH-CR-93-1

4. TRANSFER NUMBER: 021-04-0306

5. BOX NUMBER: 8 of 24

6. LOCATION NUMBER: 1-010-23-9-8

Comments:

Item Nbr	Item Description	Quantity Ordered	Quantity Balance	Quantity Fulfilled	Total Amount $
FORM92A	Criminal Cases - Entire Case File	1	0	1	$70.00
	Criminal Cases - Entire Case File (NATF 92A)				

This is your packing slip. An invoice requiring payment is included, if applicable.

Order Information (NARA use only):

Service Ticket #: CR11-41013545E
Customer Name: [redacted]
Order Date: 12/8/2008 11:19:02
Prepared By: NRCAC
Unit Phone:

CR11-41013545E
[redacted] #200 NRCAC
6701 Carmel Rd
Charlotte, NC, 28226
USA

Mail Immediately

µCR11-41013545E9

U.S. National Archives & Records Administration

Form 92A Entire Case File - Research Ticket

NATIONAL ARCHIVES ORDER FOR COPIES OF CRIMINAL CASES

1. COURT LOCATION (city & state): Asheville, North Carolina

2. CASE NAME(S):
US vs Robert L VanBuskirk

3. CASE NUMBER:
SH-CR-93-1

006875

4. TRANSFER NUMBER:
021-04-0306

5. BOX NUMBER:
8 of 24

6. LOCATION NUMBER:
1-010-23-9-8

Comments:

MAIL

SEARCHER	(b) (6), (b) (7)(C) [redacted]	DATE	12-8-8
REMARKS	[redacted]	REVIEW - DATE	TIME

PAYMENT
☐ PAID
Check #

RECEIVED
DEC 09 2008
National Archives

CR11-41013545E
(b) (6), (b) (7)(C)
6701 Carmel Rd
Charlotte, NC, 28226
USA

NRCAC

Order Information (NARA use only):
Service Ticket #: CR11-41013545E
Customer Name: (b) (6), (b) (7)(C)
Order Date: 12/08/2008 11:19:02

uCR11-41013545E9

b3 Public Law 112-55 (125 Stat.552)

b3 Public Law 112-55 (125 Stat.552)

b3 Public Law 112-55 (125 Stat.552)

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b3 Public Law 112-55 (125 Stat.552)

b3 Public Law 112-55 (125 Stat.552)

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Affidavit

I, ATF S/A (b) (6), (b) (7)(C), state that

I have taken the following rounds of ammunition from evidence taken from the residence of Robert Van Buskirk on 11/13/08;

and each round is identified:

Exhibit 50: .223 round

Exhibit 51: .22 round

Exhibit 52: .12 shotgun shell

Exhibit 53: .357 round

Exhibit 54: .38 round

Exhibit 55: 9mm round

Exhibit 56: .32- 20 round

Exhibit 57: .20 shotgun shell

Exhibit 58: .45 round

Exhibit 59: .30-06 round

Exhibit 60: 7.62 x 39mm round

Exhibit 61: 10mm round & Exhibit 62: .410 round

I have read the foregoing statement consisting of one pages, each of which I have signed. I fully understand the statement and I declare, certify, verify and/or state under penalty of perjury that the foregoing is true and correct. I made the corrections shown and placed my initials opposite each. I made this statement freely and voluntarily without any threats or rewards, or promises of reward having been made to me in return for it. Executed on _____, 20 10.

Signature of Affiant

Subscribed and Sworn to before me this _____

Day of _____, 20 _____

at _____

Signature

Title

Witness

Signature

Title

Page ____ of ____ pages

ATF Form 5000.1
Revised November 2006

(b) (6), (b) (7)(C)

ATF - CES Field Division

INCIDENT REPORT

Official Law Enforcement Report - Unauthorized Dissemination is Prohibited

Restricted

Result Type:
Incident Type / Subtype: Recovery / Explosives

Agency Incident ID: 763020-09-0021 **BATS Incident ID:** 195799

Incident Date/Time/Location

Start Date/Time:
11/13/2008 11:00 PM
Thursday

End Date/Time:
11/13/2008 12:00 AM
Thursday

Related Incidents:

Street Address
433 Treasure Way

City/State/Zip:
Rutherfordton, NC 28150

County:
Rutherford

Additional Directions:

Primary Property Use or Target:
Residential

Primary Property Use or Target Subtype:
Multifamily Dwelling

Property Use or Target Status:

Secondary Property Use or Target:

Secondary Property Use or Target Subtype:

Primary Motivation:

Status:
Investigation Open

Jurisdiction:
Primary

Investigator Name:
(b) (6), (b) (7)(C)

Investigator Phone:
(b) (6), (b) (7)(C)

Investigator Email:
(b) (6), (b) (7)(C)

Investigator Title:
Special Agent-CES

Investigator Badge Number:
(b) (6), (b) (7)(C)

Property Use or Target Information

Primary Property Use or Target:
Residential

Primary Property Use or Target Subtype:
Multifamily Dwelling

Property Use or Target Status:

Secondary Property Use or Target:

Secondary Property Use or Target Subtype:

Primary Gov't Association:
No Government Association

Method of Entry:
Permissible access (resident, guest, customer, employee)

Activity Codes:

Threats:

Motivational Factors:

Primary Motivation:

Primary Bias:

Group Involvements:

Collateral Crimes:
Weapon Offenses

Area of Origin/Device Placement:

Area of Origin:
Storage Areas

Area of Origin Subtype:
Storage area, other

Fire Descriptors:

Damage and Casualties:

Est. Damage:

Number Killed:
0

Number Injured:
0

Miscellaneous Information:

Other Agencies Involved:
Rutherford Co. S.O.

External Case Number:

ATF Involved:
Yes

Canine Type:

Canine Result:

Lab Report Number:

Sky Conditions:

Precipitation:

Wind Speed/Direction:
/

Device/Collection/Explosives Details

Device/Collection/Explosives Name:	Type:	Placement:	Sub-Placement:	Placement Method:
Collection 1	Collection	Storage Areas	Storage area, other	Hand Placed

Country of Origin:	Manufacturer:	Date Shift Code/Lot #:	Quantity:
			2

Description: None

Materials

Ignition - Caps Electric

Lab ID:	Exhibit ID:	Common Name:	Brand Name:
		blasting caps	
Component Subtype:	**Usage:**	**Material Type:**	**Manufacturer Name:**
		Caps Electric	
Country:	**Freq High/Low:**	**Antenna Type:**	**Channels:**
	/		
Wire Gauge:	**Voltage:**	**Date Shift Code/Lot #:**	**Model Number:**
Quantity:	**Length:**	**Diameter:**	**Width:**
3.00			
Height:	**Leg Wire Length:**	**Improvised:**	**Modified:**
		No	No

Notes:5 foot leg wires, orange and yellow

Colors:
Orange,Yellow

Ignition - Detonating Cord

Lab ID:	Exhibit ID:	Common Name:	Brand Name:
		Det cord	
Component Subtype:	**Usage:**	**Material Type:**	**Manufacturer Name:**
		Detonating Cord	Dyno Nobel Inc
Country:	**Freq High/Low:**	**Antenna Type:**	**Channels:**
	/		
Wire Gauge:	**Voltage:**	**Date Shift Code/Lot #:**	**Model Number:**
50 grain			
Quantity:	**Length:**	**Diameter:**	**Width:**
7.00			
Height:	**Leg Wire Length:**	**Improvised:**	**Modified:**
		No	No

Notes:7 feet of orange with double thin black stripes, 50 grain

Colors:
Black,Orange

Ignition - Caps Non-Electric

Lab ID:	Exhibit ID:	Common Name:	Brand Name:
		Blasting cap	Nobel
Component Subtype:	**Usage:**	**Material Type:**	**Manufacturer Name:**
		Caps Non-Electric	Dyno Nobel Inc

Country:	**Freq High/Low:** /	**Antenna Type:**	**Channels:**
Wire Gauge:	**Voltage:**	**Date Shift Code/Lot #:** No. 6	**Model Number:**
Quantity: 64.00	**Length:**	**Diameter:**	**Width:**
Height:	**Leg Wire Length:**	**Improvised:** No	**Modified:** No

Notes:3.5 cm in length No. 6 non-el caps

Colors:

Subjects/Business Information

Person/Business Information:

Name: VAN BUSKIRK, ROBERT L

Business Name: None

Race: White

Sex: M

DOB: 3/12/1944

Ethnicity:

Age: 64

Juvenile: No

SSN: (b) (6), (b) (7)(C)

Relationship(s): Occupant,Owner

Other Name(s) Used:

Disposition:

Address:

Street Address: 433 Treasure Way

City/State/Zip: Rutherfordton, 28150

County: Rutherford

Country:

Additional Directions:

Contact Information:

Primary Phone:

Secondary Phone:

Email:

Street Address: 433 Treasure Way

City/State/Zip: Rutherfordton, 28150

County: Rutherford

Country:

Additional Directions:

Contact Information:

Primary Phone:

Secondary Phone:

Email:

Personal Characteristics:

Eye Color:

Hair Color:

Height: Unknown

Weight:

Narrative(s)

Title:
Narrative 1

Author:
(b) (6), (b) (7)(C)

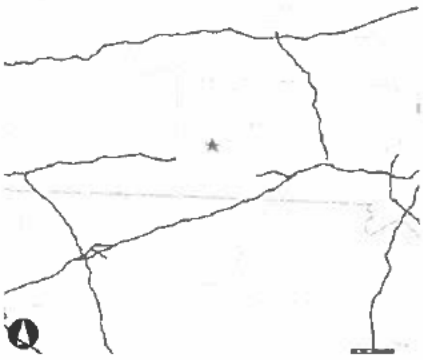
Narrative:
Van Buskirk was in possession of illegally stored detonation cord.

Title:
Van Buskirk

Author:
(b) (6), (b) (7)(C)

Narrative:
During a consent to search numerous firearms and explosives were found in the residence of Robert Van Burskirk. Explosives included: non-el caps, det. cord and elec. caps.

Map



(b) (6), (b) (7)(C)
Invest

2/17/10
Date

Supervisor

Date

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Receipt for Property and Other Items

Page ____ of ____	Case/Inspection Number	Case/Inspection Title	Office
	763020-09-0021	Van Buskirk	Cll. Grp. II

Taken from: *(name, title, address, if appropriate)*	Recipient: *(name, title, address, if appropriate)*
Rutherford County Sheriff Office	**S/A** [redacted] **thru S/A** [redacted]
Location of Transfer or Seizure	Basis for Transfer or Seizure of Items:
Rutherford County Sheriff Office	**On-going Federal investigation**

Amount or Quantity	Description of Item(s)
QTY: 64,	**EXPLOSIVES: BLASTING CAP, NON-ELECTRIC, ICI NOBEL, NO. 6**
QTY: 3	**EXPLOSIVES: BLASTING CAP, ELECTRIC, ORANGE/YELL 5' LEG WIRE**s
QTY: 7, MEA: FEET	**EXPLOSIVES: DETONATING CORD,50 GRAIN, ORANGE W/ DOUBLE BLACK STRIPES**
1	**FIREARM: RIFLE, MNF: STEYR, TYPE: RIFLE, MODEL: 30-06, CAL: 30-06, SN:** [redacted]
1	**FIREARM: RIFLE, MNF: ROSSI, TYPE: RIFLE, MODEL: 62 SAC, CAL: 22, SN:** [redacted]
1	**KELTEC, CNC INDUSTRIES, INC., PISTOL, MODEL 9MM, CAL: SN:** [redacted]
1	**SMITH & WESSON, TYPE: REVOLVER, MODEL: .22, CAL: 22, SN:** [redacted]
1	**WINCHESTER, TYPE: RIFLE, MODEL: 57, CAL: 22, SN:** [redacted]
1	**RUGER, TYPE: RIFLE, MODEL: MINI 14, CAL: 223, SN:** [redacted]
1	**ROSSI, TYPE: RIFLE, MODEL: 62, CAL: 22, SN:** [redacted]
1	**BROWNING, TYPE: RIFLE, MODEL: 22, CAL: 22, SN:** [redacted]
1	**FEG, TYPE: RIFLE, MODEL: 85M, CAL: 762, SN:** [redacted]
1	**REMINGTON ARMS COMPANY, INC., TYPE: RIFLE, MODEL: 597, CAL: 22, SN:** [redacted]
1	**REMINGTON ARMS COMPANY, INC., TYPE: RIFLE, MODEL: 550-1, CAL: 22, SN:** [redacted]
1	**REMINGTON ARMS COMPANY, INC., TYPE: RIFLE, MODEL: 510, CAL: 22, SN:** [redacted]
1	**MARLIN FIREARMS CO., TYPE: RIFLE, MODEL: 782, CAL: 22, SN:** [redacted]
1	**REMINGTON ARMS COMPANY, INC., SHOTGUN, MODEL: 1100, CAL: 12, SN:** [redacted]
1	**REXIO, S.R.L., TYPE: PISTOL, MODEL: 45/410, CAL: 45, SN:** [redacted]
1	**SMITH & WESSON, TYPE: REVOLVER, MODEL: 19-3, CAL: 357, SN:** [redacted]

I hereby acknowledge receipt of the above item(s) into my custody.

Received by: *(signature)*			Date
Transferred by: *(signature, if appropriate)*	Date	Witnessed by: *(signature)*	Date

ATF E-Form 3400.23
Revised March 2005

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Receipt for Property and Other Items

Page ____ of ____	Case/Inspection Number	Case/Inspection Title	Office
	763020-09-0021	Van Buskirk	Clt. Grp. II

Taken from: *(name, title, address, if appropriate)*	Recipient: *(name, title, address, if appropriate)*
Rutherford County Sheriff Office	S/A [redacted] thru S/A [redacted]
Location of Transfer or Seizure	Basis for Transfer or Seizure of Items:
Rutherford County Sheriff Office	**On-going Federal investigation**

Amount or Quantity	Description of Item(s)
QTY: 64,	EXPLOSIVES: BLASTING CAP, NON-ELECTRIC, ICI NOBEL, NO. 6
QTY: 3	EXPLOSIVES: BLASTING CAP, ELECTRIC, ORANGE/YELL 5' LEG WIRES
QTY: 7, MEA: FEET	EXPLOSIVES: DETONATING CORD,50 GRAIN, ORANGE W/ DOUBLE BLACK STRIPES
	FIREARM: RIFLE, MNF: STEYR, TYPE: RIFLE, MODEL: 30-06, CAL: 30-06, SN: [redacted]
	FIREARM: RIFLE, MNF: ROSSI, TYPE: RIFLE, MODEL: 62 SAC, CAL: 22, SN: [redacted]
	KELTEC, CNC INDUSTRIES, INC., PISTOL, MODEL 9MM, CAL: SN: [redacted]
	SMITH & WESSON, TYPE: REVOLVER, MODEL: .22, CAL: 22, SN: [redacted]
	WINCHESTER, TYPE: RIFLE, MODEL: 57, CAL: 22, SN: [redacted]
	RUGER, TYPE: RIFLE, MODEL: MINI 14, CAL: 223, SN: [redacted]
	ROSSI, TYPE: RIFLE, MODEL: 62, CAL: 22, SN: [redacted]
	BROWNING, TYPE: RIFLE, MODEL: 22, CAL: 22, SN: [redacted]
	FEG, TYPE: RIFLE, MODEL: 85M, CAL: 762, SN: [redacted]
	REMINGTON ARMS COMPANY, INC., TYPE: RIFLE, MODEL: 597, CAL: 22, SN: [redacted]
	REMINGTON ARMS COMPANY, INC., TYPE: RIFLE, MODEL: 550-1, CAL: 22, SN: [redacted]
	REMINGTON ARMS COMPANY, INC., TYPE: RIFLE, MODEL: 510, CAL: 22, SN: [redacted]
	MARLIN FIREARMS CO., TYPE: RIFLE, MODEL: 782, CAL: 22, SN: [redacted]
	REMINGTON ARMS COMPANY, INC., SHOTGUN, MODEL: 1100, CAL: 12, SN: [redacted]
	REXIO, S.R.L., TYPE: PISTOL, MODEL: 45/410, CAL: 45, SN: [redacted]
	SMITH & WESSON, TYPE: REVOLVER, MODEL: 19-3, CAL: 357, SN: [redacted]

I hereby acknowledge receipt of the above item(s) into my custody.

Received by: *(signature)*			Date
Transferred by: *(signature, if appropriate)*	Date	Witnessed by: *(signature)*	Date

ATF E-Form 3400.23
Revised March 2005

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosiv

Report of Destruction

Investigation Number	Forfeiture Authority
763020-09-0021	Arson/Explosives (18 USC Section 844)

To: (b) (6), (b) (7)(C) Charlotte II Field Office

You are hereby authorized to cause the immediate destruction of the following personal property:

☑	Item Number	Description
☑	000001	EXPLOSIVES: BLASTING CAP, QTY: 64, MEA: EACH, NON-ELECTRIC, ICI NOBEL, NO. 6 998257 Location: IN AGENT POSSESSION

Signature and Title of Authorizing officer	Date
, AFSPB/Operations Section	05/02/2012

Certification

We, the undersigned, do severally swear under the penalties of perjury that on June 22, 2012

the above-described property was destroyed at Verizon Amphitheatre Parking Lot in CMPD TCV

(Place of destruction)

#1 , and that the parts,

fragments, etc. thereof were detonated

(Disposal of destroyed property)

Signature of Special Agent (b) (6), (b) (7)(C) [redacted]	Title SACGS
Signature of Special Agent [redacted]	Title CMPD Bomb Tech

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosi

Report of Destruction

Investigation Number	Forfeiture Authority
763020-09-0021	Arson/Explosives (18 USC Section 844)

To: (b) (6), (b) (7)(C) Charlotte II Field Office

You are hereby authorized to cause the immediate destruction of the following personal property:

☑	Item Number	Description
☑	000003	EXPLOSIVES: DETONATING CORD, QTY: 7, MEA: FEET, 50 GRAIN, ORANGE W/ DOUBLE BLACK STRIPES 998259 Location: IN AGENT POSSESSION
☑	000002	EXPLOSIVES: BLASTING CAP, QTY: 3, MEA: EACH, ELECTRIC, ORANGE/YELL 5' LEG WIRES 998258 Location: IN AGENT POSSESSION

Signature and Title of Authorizing officer	Date
, AFSPB/Operations Section	08/31/2011

Certification

We, the undersigned, do severally swear under the penalties of perjury that on June 22, 2012

the above-described property was destroyed at Verizon Amphitheater in CMPD TCV.
(Place of destruction)

, and that the parts,

fragments, etc. thereof were Detonated
(Disposal of destroyed property)

Signature of Special Agent	Title
(b) (6), (b) (7)(C)	SACES
Signature of Special Agent	Title
[redacted]	CMPD BOMB TECH

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Report of Destruction

Investigation Number	Forfeiture Authority
763020-09-0021	Arson/Explosives (18 USC Section 844)

To: (b) (6), (b) (7)(C) Charlotte II Field Office

You are hereby authorized to cause the immediate destruction of the following personal property:

☑	Item Number	Description
☑	000003	EXPLOSIVES: DETONATING CORD, QTY: 7, MEA: FEET, 50 GRAIN, ORANGE W/ DOUBLE BLACK STRIPES 998259 Location: IN AGENT POSSESSION
☑	000002	EXPLOSIVES: BLASTING CAP, QTY: 3, MEA: EACH, ELECTRIC, ORANGE/YELL 5' LEG WIRES 998258 Location: IN AGENT POSSESSION

Signature and Title of Authorizing officer	Date
, AFSPB/Operations Section	08/31/2011

Certification

We, the undersigned, do severally swear under the penalties of perjury that on 5/2/12

the above-described property was destroyed at (MPD)

(Place of destruction)

, and that the parts,

fragments, etc. thereof were destroyed

(Disposal of destroyed property)

Signature of Special Agent	Title
(b) (6), (b) (7)(C)	SACES
Signature of Special Agent	Title

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Release and Re[illegible]pt of Property

To: (b) (6), (b) (7)(C) Charlotte II Field Office	Investigation Number	Date
	763020-09-0021	12/16/2010

Property Description

☑	Item Number	Description
☑	000004	FIREARM: RIFLE, MNF: STEYR, TYPE: RIFLE, MODEL: 30-06, CAL: 30-06, SN: (b) (6), (b) (7)(C) [redacted] 1010368 Location: IN AGENT POSSESSION
☑	000005	FIREARM: RIFLE, MNF: ROSSI, TYPE: RIFLE, MODEL: 62 SAC, CAL: 22, SN: (b) (6), (b) (7)(C) [redacted] 1010373 Location: IN AGENT POSSESSION
☑	000006	FIREARM: HANDGUN, MNF: KELTEC, CNC INDUSTRIES, INC., TYPE: PISTOL, MODEL: 9MM, CAL: 9, SN: (b) (6), (b) (7)(C) [redacted] 1010374 Location: IN AGENT POSSESSION
☑	000007	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER, MODEL: .22, CAL: 22, SN: (b) (6), (b) (7)(C) [redacted] 1010377 Location: IN AGENT POSSESSION
☑	000008	FIREARM: RIFLE, MNF: WINCHESTER, TYPE: RIFLE, MODEL: 57, CAL: 22, SN: (b) (6), (b) (7)(C) [redacted] 1010490 Location: IN AGENT POSSESSION
☑	000009	FIREARM: RIFLE, MNF: RUGER, TYPE: RIFLE, MODEL: MINI 14, CAL: 223, SN: (b) (6), (b) (7)(C) [redacted] 1010491 Location: IN AGENT POSSESSION
☑	000016	FIREARM: RIFLE, MNF: MARLIN FIREARMS CO., TYPE: RIFLE, MODEL: 782, CAL: 22, SN: (b) (6), (b) (7)(C) [redacted] 1010512 Location: IN AGENT POSSESSION

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Release and Rec pt of Property

To: (b) (6), (b) (7)(C) Charlotte II Field Office	Investigation Number	Date
	763020-09-0021	12/16/2010

Property Description

☑	Item Number	Description
☑	000017	FIREARM: SHOTGUN, MNF: REMINGTON ARMS COMPANY, INC., TYPE: SHOTGUN, MODEL: 1100, CAL: 12, SN: (b) (6), (b) (7)(C) 1010514 Location: IN AGENT POSSESSION
☑	000018	FIREARM: HANDGUN, MNF: REXIO, S.R.L., TYPE: PISTOL, MODEL: 45/410, CAL: 45, SN: (b) (6), (b) (7)(C) 1010516 Location: IN AGENT POSSESSION
☑	000015	FIREARM: RIFLE, MNF: REMINGTON ARMS COMPANY, INC., TYPE: RIFLE, MODEL: 510, CAL: 22, SN: (b) (6), (b) (7)(1010510 Location: IN AGENT POSSESSION
☑	000014	FIREARM: RIFLE, MNF: REMINGTON ARMS COMPANY, INC., TYPE: RIFLE, MODEL: 550-1, CAL: 22, SN: (b) (6), (b) (7 1010508 Location: IN AGENT POSSESSION
☑	000013	FIREARM: RIFLE, MNF: REMINGTON ARMS COMPANY, INC., TYPE: RIFLE, MODEL: 597, CAL: 22, SN: (b) (6), (b) (7)(C) 1010506 Location: IN AGENT POSSESSION
☑	000010	FIREARM: RIFLE, MNF: ROSSI, TYPE: RIFLE, MODEL: 62, CAL: 22, SN: (b) (6), (b) (7)(C) 1010492 Location: IN AGENT POSSESSION
☑	000019	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER, MODEL: 19-3, CAL: 357, SN: (b) (6), (b) (7)(C) 1010518 Location: IN AGENT POSSESSION

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Release and Rec pt of Property

To:	Investigation Number	Date
(b) (6), (b) (7)(C) Charlotte II Field Office	763020-09-0021	12/16/2010

Property Description

☑	Item Number	Description
☑	000012	FIREARM: RIFLE, MNF: FEG, TYPE: RIFLE, MODEL: 85M, CAL: 762, SN: (b) (6), (b) (7)(C) 1010496 Location: IN AGENT POSSESSION
☑	000011	FIREARM: RIFLE, MNF: BROWNING, TYPE: RIFLE, MODEL: 22, CAL: 22, SN: (b) (6), (b) (7)(C) 1010493 Location: IN AGENT POSSESSION
☑	000028	FIREARM: HANDGUN, MNF: IVER JOHNSON, TYPE: REVOLVER, MODEL: S SHOT, CAL: 32, SN: NONE 1010533 Location: IN AGENT POSSESSION
☑	000027	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: PISTOL, MODEL: 1006, CAL: 10, SN: (b) (6), (b) (7)(C) 1010532 Location: IN AGENT POSSESSION
☑	000026	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER, MODEL: 60, CAL: 38, SN: (b) (6), (b) (7)(C) 1010529 Location: IN AGENT POSSESSION
☑	000025	FIREARM: HANDGUN, MNF: COLT, TYPE: PISTOL, MODEL: CHALLENGER, CAL: 22, SN: (b) (6), (b) (7)(C) 1010527 Location: IN AGENT POSSESSION
☑	000024	FIREARM: HANDGUN, MNF: HIGH STANDARD, TYPE: PISTOL, MODEL: THE VICTOR, CAL: 22, SN: (b) (6), (b) (7)(C) 1010525 Location: IN AGENT POSSESSION

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Release and Rec pt of Property

To: (b) (6), (b) (7)(C) Charlotte II Field Office	Investigation Number	Date
	763020-09-0021	12/16/2010

Property Description

☑	Item Number	Description
☑	000023	FIREARM: HANDGUN, MNF: RUGER, TYPE: PISTOL, MODEL: MARK II, CAL: 22, SN: (b) (6), (b) (7)(C) 1010524 Location: IN AGENT POSSESSION
☑	000022	FIREARM: HANDGUN, MNF: COLT, TYPE: PISTOL, MODEL: MARK IV, CAL: 45, SN: (b) (6), (b) (7)(C) 1010522 Location: IN AGENT POSSESSION
☑	000021	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER, MODEL: 66-1, CAL: 357, SN: (b) (6), (b) (7)(C) 1010521 Location: IN AGENT POSSESSION
☑	000020	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER, MODEL: 686-8, CAL: 357, SN: (b) (6), (b) (7)(C) 1010520 Location: IN AGENT POSSESSION
☑	000029	FIREARM: HANDGUN, MNF: SMITH & WESSON, TYPE: REVOLVER, MODEL: 15-4, CAL: 38, SN: (b) (6), (b) (7)(C) 1010534 Location: IN AGENT POSSESSION
☑	000031	FIREARM: SHOTGUN, MNF: WINCHESTER, TYPE: SHOTGUN, MODEL: 12, CAL: 12, SN: (b) (6), (b) (7)(C) 1010537 Location: IN AGENT POSSESSION
☑	000030	FIREARM: HANDGUN, MNF: BERETTA USA CORP, TYPE: PISTOL, MODEL: 92-F, CAL: 9, SN: (b) (6), (b) (7)(C) 1010536 Location: IN AGENT POSSESSION

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Release and Rec pt of Property

To: (b) (6), (b) (7)(C) Charlotte II Field Office	Investigation Number	Date
	763020-09-0021	12/16/2010

Property Description

☑	Item Number	Description
☑	000032	FIREARM: SHOTGUN, MNF: BROWNING, TYPE: SHOTGUN, MODEL: BT99, CAL: 12, SN: (b) (6), (b) (7)(C) 1010540 Location: IN AGENT POSSESSION
☑	000033	FIREARM: SHOTGUN, MNF: SAVAGE, TYPE: SHOTGUN, MODEL: 67, CAL: 12, SN: (b) (6), (b) (7)(C) 1010542 Location: IN AGENT POSSESSION
☑	000039	AMMUNITION: AMMUNITION - ASSORTED, QTY: 178, MNF: ASSORTED, CAL: ** 1011547 Location: IN AGENT POSSESSION
☑	000035	FIREARM: SHOTGUN, MNF: ITHACA GUN CO., TYPE: SHOTGUN, MODEL: 37, CAL: 20, SN: (b) (6), (b) (7)(C) 1010544 Location: IN AGENT POSSESSION
☑	000036	FIREARM: RIFLE, MNF: COBB MANUFACTURING INC., TYPE: RIFLE, MODEL: BA 50T, CAL: 50, SN: (b) (6), (b) (7)(C) 1010545 Location: IN AGENT POSSESSION
☑	000037	FIREARM: SHOTGUN, MNF: REMINGTON ARMS COMPANY, INC., TYPE: SHOTGUN, MODEL: 1100 MAGNUM, CAL: 12, SN (b) (6), (b) (7)(C) 1010572 Location: IN AGENT POSSESSION
☑	000038	AMMUNITION: AMMUNITION - ASSORTED, QTY: 94, MNF: ASSORTED, CAL: ** 1011543 Location: IN AGENT POSSESSION

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Release and Rec pt of Property

To: Yvonne K. Becker, Charlotte II Field Office	Investigation Number	Date
	763020-09-0021	12/16/2010

Property Description

☑	Item Number	Description
☑	000034	FIREARM: SHOTGUN, MNF: REMINGTON ARMS COMPANY, INC., TYPE: SHOTGUN, MODEL: 1100, CAL: 12, SN: [redacted] (b) (6), (b) (7)(C) 1010543 Location: IN AGENT POSSESSION
☑	000041	AMMUNITION: AMMUNITION - ASSORTED, QTY: 302, MNF: ASSORTED, CAL: ** 1011550 Location: IN AGENT POSSESSION
☑	000040	AMMUNITION: AMMUNITION - ASSORTED, QTY: 332, MNF: ASSORTED, CAL: ** 1011549 Location: IN AGENT POSSESSION
☑	000043	AMMUNITION: AMMUNITION - ASSORTED, QTY: 134, MNF: ASSORTED, CAL: 12 1011553 Location: IN AGENT POSSESSION
☑	000049	AMMUNITION: AMMUNITION - ASSORTED, QTY: 607, MNF: ASSORTED, CAL: ** 1011579 Location: IN AGENT POSSESSION
☑	000048	AMMUNITION: AMMUNITION - ASSORTED, QTY: 647, MNF: ASSORTED, CAL: ** 1011578 Location: IN AGENT POSSESSION
☑	000047	AMMUNITION: AMMUNITION - ASSORTED, QTY: 431, MNF: ASSORTED, CAL: ** 1011577 Location: IN AGENT POSSESSION

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Release and Rec pt of Property

To: [redacted] Charlotte II Field Office	Investigation Number	Date
	763020-09-0021	12/16/2010

Property Description

☑	Item Number	Description
☑	000046	AMMUNITION: AMMUNITION - ASSORTED, QTY: 141, MNF: ASSORTED, CAL: ** 1011575 Location: IN AGENT POSSESSION
☑	000045	AMMUNITION: AMMUNITION - ASSORTED, QTY: 1558, MNF: ASSORTED, CAL: ** 1011574 Location: IN AGENT POSSESSION
☑	000044	AMMUNITION: AMMUNITION - ASSORTED, QTY: 125, MNF: ASSORTED, CAL: 12 1011555 Location: IN AGENT POSSESSION
☑	000055	AMMUNITION: AMMUNITION - ASSORTED, QTY: 346, MNF: ASSORTED, CAL: ** 1011587 Location: IN AGENT POSSESSION
☑	000054	AMMUNITION: AMMUNITION - ASSORTED, QTY: 165, MNF: UNKNOWN, CAL: 45 1011585 Location: IN AGENT POSSESSION
☑	000051	AMMUNITION: AMMUNITION - ASSORTED, QTY: 87, MNF: ASSORTED, CAL: ** 1011581 Location: IN AGENT POSSESSION
☑	000050	AMMUNITION: AMMUNITION - ASSORTED, QTY: 263, MNF: ASSORTED, CAL: ** 1011580 Location: IN AGENT POSSESSION

U.S. Department of Justice
Bureau of Alcohol, Tobacco, Firearms and Explosives

Release and Rec pt of Property

To:	Investigation Number	Date
(b) (6), (b) (7)(C) Charlotte II Field Office	763020-09-0021	12/16/2010

Property Description

☑	Item Number	Description
☑	000052	AMMUNITION: AMMUNITION - ASSORTED, QTY: 210, MNF: ASSORTED, CAL: ** 1011582 Location: IN AGENT POSSESSION
☑	000053	AMMUNITION: AMMUNITION - ASSORTED, QTY: 592, MNF: ASSORTED, CAL: ** 1011583 Location: IN AGENT POSSESSION

You are hereby authorized to release the above-described property to: (Name and address).

(b) (6), (b) (7)(C) [redacted]

Storage costs for this property from to will be paid by The Bureau of Alcohol, Tobacco, Firearms and Explosives. The recipient of the property will be responsible for all storage charges incurred by the property after . Please furnish this office with the original and 3 copies of this form upon execution of same, and furnish one copy to the property recipient.

Signature	Title
	, AFSPB/Operations Section

Release

I hereby certify that on Dec 22, 20 10, I released this property as shown below.

Signature	Title	Firm Represented (If any)
(b) (6), (b) (7)(C) [redacted]	S/A ATF	ATF

Receipt

I hereby acknowledge receipt of this property on Dec 22, 20 10 from, (Name of releasing firm or government agency):

Signature	Title	Person, Firm or Governmental Agency Represented
(b) (6), (b) (7)(C) [redacted]		

DEPARTMENT OF THE TREASURY
BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

RECEIPT FOR PROPERTY AND OTHER ITEMS

PAGE_____ OF____

CASE/INSPECTION NUMBER	CASE/INSPECTOR TITLE	OFFICE
763020-09-0021	S/A [redacted]	CLT

TAKEN FROM: *(Name, title, address, if appropriate)*	RECIPIENT: *(Name, title, address, if appropriate)*
1700 West Pointe Dr Charlotte, NC	[redacted]

LOCATION OF TRANSFER OR SEIZURE	BASIS FOR TRANSFER OR SEIZURE OF ITEMS:
	Disposition Approval NFSCB

AMOUNT OR QUANTITY	DESCRIPTION OF ITEM(S)
1	Item #42 150 rds assort'd ammo

I hereby acknowledge receipt of the above item(s) into my custody.

RECEIVED BY: *(Signature)*			DATE
[redacted]			12/22/10
TRANSFERRED BY: *(Signature, if appropriate)*	DATE	WITNESSED BY: *(Signature)*	DATE
[redacted]	12/22/10	[redacted]	12/22/

ATF F[redacted]

VSE CORPORATION

CHAIN OF CUSTODY / MANAGEMENT ACTIVITY REPORT

1.Seizure #: SEACATS/PRISMS: 2009-9999-800008-01 ATF Case#: 763020-09-0021	2.Date:	3.Choose one: ☒Chain of Custody ☐Management Activity

4a.Line Item #:	4b.Description or discrepancy for action being reported
	ADMINISTRATIVE CUSTODY ONLY!
001	Assorted Firearms – Qty: 1 Lot
002	Assorted Ammunition – Qty: 1 Lot
	Note: Administrative Custody Only – VSE and storage vendor not responsible for piece count.
	Seizure to be stored in sealed, alarmed container with ATF retaining sole key control.
	New Container Seal #: 501709

Transferring Company: ATF

5a. Company Name (Print): ATF

5b. Individual's Name (Print): [redacted] (b) (6), (b) (7)(C)

5c. Signature: [redacted] (b) (6), (b) (7)(C)

Receiving Company: Storage Vendor

6a. Company Name (Print): _____

6b. Individual's Name/Title (Print): _____

6c. Signature: _____

Title of Investigation:	Investigation Number:	Report Number:
Van Buskirk	763020-09-0021	1

SUMMARY OF EVENT: Electric and non-electric detonators as well as a length of orange 50 grain detonation cord was seized by Rutherford County during the service of a Domestic Abuse Petition.

NARRATIVE:

On 11/13/08, NC SBI Agent (b) (6), (b) (7)(C) contacted ATF S/A (b) (6), (b) (7)(C) to request her assistance with the seizure of explosive material. Agent (b) (6), (b) (7)(C) was assisting Rutherford County on the service of a 50B (State Judicial Restraining Order) on Robert Long Van Buskirk. The service of the order included the judicially ordered seizure and safe keeping of all weapons. Several firearms were seized as well as smoke grenades and simulated training smoke grenades. Also discovered during the search were 3 electric detonators with approximately 5 foot orange and yellow leg wires, 64 non-electric ICI Nobel, No. 6 detonators and an approximately 7 foot length of orange with double black stripes, 50 grain detonation cord. These explosive items were taken into the custody of S/A (b) (6), (b) (7)(C) Further investigation into the identification and criminal history status of Van Buskirk will follow.

Prepared by: (b) (6), (b) (7)(C)	Title: Special Agent, Charlotte II Field Office	(b) (6), (b) (7)(C)	Date: 11/19/08
Authorized by: (b) (6), (b) (7)(C)	Title: Group Supervisor, Charlotte II Field Office		Date: 11/20/08
Second level reviewer (optional): Zebedee T. Graham	Title: Special Agent in Charge, Charlotte Field Division		Date: 11/20/08

Title of Investigation	Investigation Number	Report Number
Van Buskirk	763020-09-0021	3

SUMMARY OF EVENT: On 12/22/08, ATF S/A (b) (6), (b) (7)(C) obtained the firearms from Rutherford Co. S.O. and transported them for placement into the custody of ATF.

NARRATIVE:

1. On 12/22/08, ATF S/A (b) (6), (b) (7)(C) obtained approximately 34 firearms, 15 handguns and 19 long guns, that had been seized from Robert Van Buskirk, by the Rutherford County Sheriff Office, pursuant to a Domestic Violence Order by a District Court Judge, in Rutherford County. On 12/29/08, ATF S/A (b) (6), (b) (7)(C) obtained approximately 6364 rounds of ammunition in 18 ammunition cases from Rutherford County that had been seized from Van Buskirk, the ammunition was placed into the custody of ATF.

Prepared by: (b) (6), (b) (7)(C)	Title: Special Agent, Charlotte II Field Office	Signature: (b) (6), (b) (7)(C)	Date: 1/23/09
Authorized by: (b) (6), (b) (7)(C)	Title: Group Supervisor, Charlotte II Field Office		Date: 1/27/09
Second level reviewer (optional): Zebedee T. Graham	Title: Special Agent in Charge, Charlotte Field Division		Date: 1/27/09

TF EF 3120.2 (10-2004)
or Official Use Only

Title of Investigation:	Investigation Number:	Report Number:
Van Buskirk	763020-09-0021	4

SUMMARY OF EVENT: Interstate nexus, test fire and pardon checks.

NARRATIVE:

Test-Fire of Firearm and Interstate Nexus Determination

On 12/22/08, ATF Special Agent (b) (6), (b) (7)(C) test-fired the following firearms:
Steyr rifle .30-06 s/n (b) (6), (b) (7)(C)
Rossi rifle .22, model 62 SAC, s/n (b) (6), (b) (7)(C)
Keltec pistol 9mm, (b) (6), (b) (7)(C)
Winchester rifle .22, model 57, s/n (b) (6), (b) (7)(C)
Ruger rifle .223, model Mini 14, s/n (b) (6), (b) (7)(C)

All the firearms were found to function as designed. On 1/16/09, ATF Special Agent (b) (6), (b) (7)(C) a firearms interstate nexus expert, determined the following interstate nexus on the firearms.
Steyr rifle .30-06 s/n (b) (6), (b) (7)(C) - Austria
Rossi rifle .22, model 62 SAC, s/n (b) (6), (b) (7)(C) - Brazil
Keltec pistol 9mm, (b) (6), (b) (7)(C) - Florida
Winchester rifle .22, model 57, s/n (b) (6), (b) (7)(C) - Connecticut
Ruger rifle .223, model Mini 14, s/n (b) (6), (b) (7)(C) – New Hampshire
After being recovered in the State of North Carolina, all the above firearms affected interstate commerce.

Clemency/Pardon Query

On 12/22/08, ATF Special Agent (b) (6), (b) (7)(C) interviewed (b) (6), (b) (7)(C) Administrator, NC Governors Clemency Office, Raleigh, NC. (b) (6), (b) (7)(C) stated that a query of their records does not indicate **Robert Long Van Buskirk** applying for or receiving a pardon or clemency from the North Carolina Governor.

Federal Restoration of Firearms Privileges

On 12/22/08, the Firearms Enforcement Branch, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington DC, advised that a query of their records does not indicate **Van Buskirk** applying for or receiving restoration of his firearms privileges.

Prepared by:	Title:	Signature:	Date:
(b) (6), (b) (7)(C)	Special Agent, Charlotte II Field Office	(b) (6), (b) (7)(C)	2/10/09
Authorized by: (b) (6), (b) (7)(C)	Title: Group Supervisor, Charlotte II Field Office		Date: 2/10/09
Second level reviewer (optional): Zebedee T. Graham	Title: Special Agent in Charge, Charlotte Field Division		Date: 2/10/09

ATF EF 3120.2 (10-2004)
For Official Use Only

(b)(6) (b)(7)(C), (b)(5) DPP

(b)(5) DPP

(b)(5) DPP